

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CLERK'S MINUTES

***BEFORE DISTRICT JUDGE JAMES O. BROWNING***

<b>CASE No.:</b>	14-66 JB/KBM	<b>DATE:</b>	November 5, 2014
<b>CASE CAPTION:</b>	<i>FDIC v. Dee, et al.</i>		
<b>CRD:</b>	K. Wild	<b>COURT REPORTER:</b>	M. Seal
<b>COURT IN SESSION:</b>	8:38 a.m. 10:10 a.m.	<b>COURT IN RECESS:</b>	10:02 a.m. = 1:24 10:46 a.m. = :36 <b>TOTAL = 2:00</b>

**TYPE OF PROCEEDING:** Motion Hearing (see below)

**COURT'S RULING/DISPOSITION:**

1. Certain Defendants' Motion to Dismiss [15] – **TAKEN UNDER ADVISEMENT – INCLINED TO DENY**
2. Certain Defendants' Motion to Strike [16] – **TO BE WITHDRAWN**
3. Defendant Bobby J. Nafus's Motion to Dismiss [18] - **TAKEN UNDER ADVISEMENT – INCLINED TO DENY**

**ORDER CONSISTENT WITH COURT'S RULING TO BE PREPARED BY:** Court

**ATTORNEYS PRESENT FOR PLAINTIFF(S):**

Dennis Klein/Derick Sohn  
Mary Torres

**ATTORNEYS PRESENT FOR DEFENDANT(S):**

Andrew Schultz (for All Defts. except Nafus)  
Frank Carroll/Tom Alleman (for All Defts. except Nafus)  
Phil Krehbiel/Marina Hand/Nick Pino (for Deft. Nafus)

**PROCEEDINGS**

**COURT IN SESSION:** 8:38 a.m.

**Court:** Calls case. Counsel enter appearances. Provides disclosure re: Marshall Martin – if any party wishes more information re: same let Court/CRD know.

**CERTAIN DEFENDANTS' MOTION TO DISMISS [15]**  
**&**  
**CERTAIN DEFENDANTS' MOTION TO STRIKE [16]**

**Mr. Carroll:** Argues in support of motions.

**Mr. Pino:** Argues in support of motions.

**9:32 a.m. Mr. Klein:** Argues in response in opposition to motions.

**Court in recess: 10:02 a.m.**

**Court in session: 10:10 a.m.**

**Mr. Carroll:** Argues in reply in further support of motions.

**10:15 a.m. Mr. Pino:** Argues in reply in further support of motions.

**10:23 a.m. Mr. Klein:** Argues further in opposition to motions.

**10:32 Mr. Carroll:** Argues further in support of motions.

**Mr. Pino:** No further argument on motions.

**CERTAIN DEFENDANTS' MOTION TO STRIKE [16]**

**Mr. Carroll:** Argues in support of motion.

**Mr. Pino:** No argument on motion.

**Mr. Klein:** Argues in response in opposition to motion.

**10:39 a.m. Mr. Pino:** Argues further in support of motion – withdraws motion.

No other counsel object to withdrawal of motion.

**Court:** Requests submit notice of withdrawal.

**Mr. Carroll:** Will do so.

**Court:** Takes motions to dismiss under advisement – inclined to deny. Sets ISC on 12/9/14 at 8:30 a.m. – fine for counsel to appear telephonically - scheduling order will be issued. Will try to have decision out by the ISC. Anything further?

Counsel inform there is not.

**COURT IN RECESS: 10:46 a.m.**